

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KARL FUGATE,	:	
	:	Case No. 1:19-CV-00030
Plaintiff,	:	
	:	JUDGE MATTHEW W. McFARLAND
v.	:	
	:	Magistrate Judge Stephanie K. Bowman
RON ERDOS, et al.,	:	
	:	
Defendants.	:	

**DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO FILE OBJECTIONS
TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (DOC. # 80)**

Defendants move the Court for a thirty (30) day extension of time, until March 8, 2021, in which to file their Objections to the Magistrate Judge's Report and Recommendation (Doc. # 80), journalized on January 22, 2021. The attached memorandum supports Defendants' Motion.

Respectfully submitted,
DAVE YOST
Ohio Attorney General

s/Thomas E. Madden
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Trial Counsel for Defendants

MEMORANDUM

The Court journalized its Report and Recommendation (R&R) on January 22, 2021. Fed. R. Civ. P. 72(b)(2) and 28 U.S.C. § 636(b)(1)(C) provides fourteen (14) days to file objections to a Magistrate Judge's R&R.

Undersigned received service of the R&R through ECF Notification that same date. Defendants' Objections would be due no later than February 5, 2021.

Due to the reassignment of cases, added unanticipated deadlines, office relocation and staff illness, Undersigned is unable to properly review the file to make proper and informed objections to the Report and Recommendation. (Doc. 80) Furthermore, the undersigned is currently working on extensive discovery responses in *Manley v. Hughes*, 4:18CV1431 (N.D. Ohio), *Lamb v. Reece*, 1:20CV265 (S.D. Ohio), and *Estate of Richardson v. Jackson-Mitchell*, 3:20CV804 (N.D. Ohio.). Furthermore, the undersigned is preparing for depositions in *Richardson*, *Lamb*, *Manley*, and *Bradford v. Ohio*, CV-20-931812 (Cuyahoga Com Pleas Ct.). Moreover, the undersigned is also preparing for trial in May. Also, the undersigned intends to seek mediation in this case.

Therefore, undersigned seeks an extension of thirty (30) days in which to file their Objections to the Magistrate Judge's Report and Recommendations. (Doc. 80)

Fed. R. Civ. P. 6(b)(1)(A) provides that a court may extend the date for the doing of an act upon a showing of good cause if the request is made within the time remaining for the act to be performed. Here, the Objections, if they are to be filed at all, are not due until February 5, 2021, and this request is being made within the time remaining for Objections to be timely filed.

Therefore, undersigned requests an extension of time to file Objections, if any, until no later than thirty (30) additional days, or until Monday, March 8, 2021.

Respectfully submitted,
DAVE YOST
Ohio Attorney General

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Trial Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Defendants' Motion for an Extension of Time to File Objections to the Magistrate Judge's Report and Recommendation (DOC. # 80)* was filed via electronic transmission on February 4, 2021, and was sent by regular, first-class mail to Karl Fugate, #A528-949, Ohio State Penitentiary, 878 Coitsville-Hubbard Road, Youngstown, OH 44505.

s/Thomas E. Madden
THOMAS E. MADDEN (0077069)
Senior Assistant Attorney General